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1	Jane G. Kearl (CA 156560)	
2	Colin C. Holley (CA 191999) WATT, TIEDER, HOFFAR & FITZGERALD, L.	L.P.
3	2040 Main Street, Suite 300 Irvine, CA 92614	
4	Telephone: 949-852-6700 Facsimile: 949-261-0771	
5	Email: jkearl@watttieder.com cholley@watttieder.com	
6	Attorneys for Creditor Barnard Pipeline, Inc.	
7	UNITED STATES	BANKRUPTCY COURT
8		TRICT OF CALIFORNIA
9	SAN FRAN	CISCO DIVISION
10	In re:	Bankruptcy Case
11	PG&E CORPORATION,	Case No. 19-30088 (DM) Chapter 11
12	-and-	(Lead Case) (Jointly Administered)
13	PACIFIC GAS AND ELECTRIC	((
14	COMPANY,	
15	Debtors.  ☐ Affects PG&E Corporation	NOTICE OF CONTINUED PERFECTION
16	☐ Affects Pacific Gas and Electric Company	OF MECHANICS LIEN PURSUANT TO 11 U.S.C. § 546(b)(2)
17	□ Affects both Debtors	Sutter County (Lien 2019-0001037)
18	* All papers shall be filed in the Lead Case,	
19	No. 19-30088 (DM)	
20		
21	Barnard Pipeline, Inc. ("Barnard"), b	y and through its undersigned counsel, hereby gives
22	notice of continued perfection of its mechanic	es lien under 11 U.S.C. § 546(b)(2), as follows:
23	Barnard has provided and deli	vered labor, services, equipment, and/or materials for
24	the construction and improvements of projec	ts located in the County of Sutter, State of California
25	(the "Property"), the legal description for wh	ich is set forth in the Claim of Mechanics Lien, a true
26	copy of which is attached hereto as Exhibit A	(the "Mechanics Lien").
27	2. The Property is owned by F	G&E Corporation and/or Pacific Gas and Electric
28	Company (collectively, the "Debtors"), which	h filed voluntary petitions for relief under Chapter 11

of Title 11 of the United States Code (the "Bankruptcy Code") on January 29, 2019 (the "Petition Date").

- 3. On January 28, 2019, before the Petition Date, Barnard properly and timely recorded its Mechanics Lien under California Civil Code § 8400, *et seq.* in the Official Records of Sutter County, State of California.
- 4. Through January 28, 2019, the amount owing to Barnard subject to its Mechanics Lien is at least \$37,272.70, exclusive of accruing interest and other charges, and additional amounts which have continued and are continuing, to accrue after the Petition Date.
  - 5. California Civil Code § 8460(a) provides that:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable[.]

- 6. Pursuant to California Civil Code § 8460, an action to enforce a lien must be commenced within 90 days after recordation of the claim of lien. However, section 362 of the Bankruptcy Code automatically stays Barnard from filing a state court action to enforce its mechanics lien. See 11 U.S.C. § 362.
  - 7. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law

... requires seizure of such property or commencement of an action to accomplish such perfection, or maintenance or continuation of perfection of an interest in property; and ... such property has not been seized or such an action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.

See 11 U.S.C. § 362; see also Village Nurseries v. Gould (In re Baldwin Builders), 232 B.R. 406, 410-11 (9<sup>th</sup> Cir. 1999); Village Nurseries v. Greenbaum, 101 Cal.App.4<sup>th</sup> 26, 41 (Cal. Ct. App. 2002).

8. Accordingly, Barnard hereby provides notice of its rights as a lienholder in the Property pursuant to California's mechanics lien law. Barnard is filing and serving this notice to perfect, preserve, maintain, and continue the perfection of its lien and its rights in the Property to

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comply with the requirements of California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), and any other applicable law. This notice constitutes the legal equivalent of having recorded a mechanics lien in the recorder's office for the county where the Property is located and then having commenced an action to foreclose the lien in the proper court. By this notice, the Debtors and other parties in interest are estopped from claiming that the lawsuit to enforce Barnard's mechanics lien was not timely commenced pursuant to applicable state law. Barnard intends to enforce its lien rights to the fullest extent permitted by applicable law. The interests, perfected, maintained, or continued by 11 U.S.C. § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of the Property.

- 9. The filing of this notice shall not be construed as an admission that such filing is required under the Bankruptcy Code, the California mechanics lien law, or any other applicable law. In addition, Barnard does not make any admission of fact or law, and Barnard asserts that its lien is senior to and effective against entities that may have acquired rights or interests in the Property previously.
- 10. The filing of this notice shall not be deemed to be a waiver of Barnard's right to seek relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any other rights or defenses.
  - 11. Barnard reserves all rights, including the right to amend or supplement this notice.

Dated: April \_\_\_\_\_\_, 2019

WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.

By:

Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)

2040 Main Street, Suite 300

Irvine, CA 92614

Telephone: 949-852-6700 Facsimile: 949-261-0771

Email: jkearl@watttieder.com

cholley@watttieder.com

Attorneys for Creditor Barnard Pipeline, Inc.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 2019, I caused a copy of the foregoing Notice of Continued Perfection of Mechanics Lien Pursuant to 11 U.S.C. § 546(b)(2) to be sent via e-mail and/or first-class mail to the parties identified in the Master Core/2002 Service List attached hereto as Exhibit B.

Jane G. Kearl

WATT, TIEDER, HOFFAR & FITZGERALD, LA

TZGERALD, LL ASE: 19-30088 Doc# 1438 Filed: 04/15/19 NOTICE OF CONTINUED PERFECTION OF

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275-214 [Rev. 09/20/13]

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

Barnard Pipeline, Inc.

WHEN RECORDED MAIL TO:

NAME: Watt, Tieder, Hoffar & Fitzgerald, LLP

ADDRESS: 2040 Main Street, Suite 300

CITY/STATE/ZIP: Irvine, CA 92614

2019-0001037

Recorded Official Records County of Sutter Donna M. Johnston Clerk Recorder REC FEE 25.00
INVOLUNTÂRY LI 4.75
CC1 - CONFORME 0.00
HOUSING FEE 75.00

MS Page 1 of 4

03:25PM 28-Jan-2019

THIS SPACE FOR RECORDER'S USE ONLY

## **DOCUMENT TITLE**

LIEN NOTICE SENT GOV. CODE 27297.5

**MECHANICS' LIEN** 

**dompared** 

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (Govt. Code 27361.6) (additional recording fee applies)

Case: 19-30088 Doc# 1438 Filed: 04/15/19 Entered: 04/15/19 14:33:58 Page 6 of

Recording requested by: Barnard Pipeline, Inc.

And when recorded mail this document to:

Jane G. Kearl, Esq. Robert C. Shaia, Esq. Watt, Tieder, Hoffar & Fitzgerald, LLP 2040 Main Street, Suite 300 Irvine, CA 92614

For recorder's use

# MECHANICS' LIEN (Cal. Civ. Code § 8416, et seq.)

1. BARNARD PIPELINE, INC. ("Claimant") claims a mechanics lien for the labor, services, equipment and/or materials described in paragraph 2, furnished for a work of improvement on that certain real property located in the County of Sutter, State of California, and more particularly described as:

All right, title and interest of Pacific Gas and Electric Company ("PG&E") in all easements and all improvements, structures, and pipelines therein, in or on which Claimant provided labor, services, equipment, and/or materials as set forth in paragraph 2, including, specifically, without limitation, improvements, structures and pipelines at:

APN 13-160-065, parcel 961,015,065 (approx. 465 yards traveling west from intersection of Moroni Rd. and Wood Rd., Meridian, CA); APN 21-020-034; parcel 961,020,688 (approx. 455 yards west from intersection of Hageman Rd. and Wood Rd., Meridian, CA); farmland, listed as Mixed Complex;

- 2. After deducting all just credits and offsets, the sum of \$37,272.70 together with interest at the rate of 10% per annum from January 22, 2019, is due Claimant for the following: labor, services, equipment, and/or materials for installation of high pressure natural gas pipelines and abandonment and/or removal of existing pipelines, and related construction work performed under the Alliance Agreement Contract between Claimant and PG&E and Contract Work Authorization No. C9641, or as otherwise requested by PG&E.
- 3. Claimant furnished the labor or services or equipment or materials, at the request of: PG&E.
- 4. The name and address of the owner(s) or reputed owner(s) of the real property is/are: PG&E, 77 X Beale Street, 32<sup>nd</sup> Floor, San Francisco, CA 94105.

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5. Claimant's address is: 701 Gold Avenue, Bozeman, MT 59715.

Dated Janay 22, 2019

BARNARD PIPELINE, INC.

Zach Bowler, Vice President

#### **VERIFICATION**

I, Zach Bowler, am the Vice President of Claimant on the foregoing Mechanics Lien and am authorized to make this verification for and on its behalf. I have read the foregoing Mechanics Lien and know the contents of the Mechanics Lien to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated <u>January</u> 22, 2019

By: Zach Bowler, Vice President

#### NOTICE OF MECHANICS LIEN

#### **ATTENTION!**

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

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#### PROOF OF SERVICE

I, Julie Benton, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2040 Main Street, Suite 300, Irvine, California 92614-6232.

On January 23, 2019, I served \( \subseteq \) the originals \( \subseteq \) true copies of the following document(s) described as MECHANICS LIEN and NOTICE OF MECHANICS' LIEN on the interested parties in this action, by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Irvine, California addressed as set forth below:

Pacific Gas & Electric Company (PG&E) 77 Beale Street, 32<sup>nd</sup> Floor San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2019, at Irvine, California.

Benton

END OF DOCUMENT

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Counsel fooder Mirna Trettevik, including other Fire	Ploy gliogy my los no	Attn: E. Elliot Adier, Geoffrey E. Marr, Brittany S. Zummer	4D2 West Broadway	Sulte 860	San Diego CA		92101	619-531-8700	619-342-9600	brummer@TheAdlerFirm.com
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	Aera Energy U.C		601 West Fifth Street, Sulte				90071	213-688-9500	213-627-6342	evelina.gentry@akerman.com
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Counsel to MANSWESTERN PIPELINE COMPANY, LLC. A Counsel to MAS Ad Hoc Committee of Senior Unsecured to the Committee of Senior University Univ	AKERMAN U.P. Avin Gumn Strauce Haunt & Feld U.P.	ARCHIVAN Attn: Ashley Vinson Crawford	S80 California Street	Suite 1500	ancisco		94104	415-765-9500	415-765-9501	avcrawford@akingump.com
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Moteholde Solfic Gas and Electric Company A	Akin Gump Strauss Hauer & Feld LLP	Orzengoff, David H. Botter Attn: Anne Andrews, Sean T. Higgins,	One Bryant Park	Codes 200	Beach		92660	949-748-1000	949-315-3540	shiggins@andrewsthornton.com jct@andrewsthornton.com aa@andrewsthornton.com
Course! Ud-Apjantan, Inc.  Co.  Co.  Co.  Co.  Co.  Co.  Co.  C	ANDREWS & THORNTON	and John C. Thornton Attn: Andrew I. Silfen, Beth M.	4701 Von National Ave				91001	212-484-3900	212-484-3990	Andrew.Sitengerentox.com Beth.Brownstein@arentox.com Jordana.Renert@arentox.com
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URENCO-Limited and Louislana Energy Services, LIC	Bank of America	Attn: John McCusker	Mail Code: NY1-100-21-01	One Bryant Park	New York	NY	10036	040.000.040		ssummy@baronbudd.com
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AL, IDC	Berger Kahn, a Law Corporation	Attn: Cralg S. Slmon	1 Park Plaza, Suite 340		Irvine	গ গ	92614	949-474-1880	949-313-5029	949-313-5029 csimon@bergerkahn.com
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e E	Bourin Jones Inc.	Attn: Mark Gorton	SSS Capital Mall	Suite 1500	Sacramento	95814	4			micronic dominion and other
	en no		222 Rush Landing Road P	P.O. Box 6169	Novato		94948-6169	415-898-1555	415-898-1247	bletsch@braytonlaw.com
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8			9	Suite 650	S		92614	949-260-3100	949-260-3190	
Bermuda Limited, Ashford Inc., Ashford Hospitality	Gausen Miller P.C.	Attn: Michael W. Goodin Attn: Usa Schweitzer, Margaret			AN York	l)	10006	212-255-2000	212-225-3999	mschlerberl@cgsh.com
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Counsel for feet Victin Creditors Individual Plantiffs Executive Committee appointed by Individual Plantiffs Executive Committee appointed by the California Superior Court in the North Bay Fire Cases, Judicip Council Coordination Proceeding	COREY, LUZAICH, DE GHETALDI & RIDULL LU-	Mancoor Attn: Frank M. Plize, Alison E. Cordova,		840 Makcolm Road,			Orose	0009-2690-009	550-697-0537	fpitre@cpmlegal.com acordova@cpmlegal.com ablodgett@cpmlegal.com
Number 4955, Pursuant to the terms of the Court's Case Management Order No. 1	Cotchett, Pitre & Mocarthy, LLP	Abigail D. Blodgett	County Administration	Suite 200 575 Administration	Burlingame	5				Tambra curtis@sonoma-county.org
	Character	Attn: Tambra Curtis	Center	Drive, Room 105A			95403	707-565-2421	530-666-8279	
Attorney for County of Sonoma	County of Sonoma	Attn: Eric May	625 Court Street	Room 201	Woodland	5	82032	2000000		
lley Clean therpy Andance		Attn: Mark D. Plevin, Brendan V.	Three Embarcadero Center, 25th Floor		San Francisco (	8	94111	415-986-2800	415-986-2827	7 bmullan@crowell.com
Counsel to Rahalssance Reinsurance LTD.	_	Mulian	1001 Pennsylvania Avenue,				20004	415-986-2827	202-628-5116	16 malmy@crowell.com
Acceditors and Parties-In-Interest NEXANT		Attn: Monique D. Almy	1001 Pennsylvania Ave			DC 2	20004	202-624-2500	3565-979-505	at those increwell com
Counsel to Rehalssance Reinsurance LTD.	Crowell & Moring LLP Crowell & Moring LLP	Attn: Thomas F. Koegel	3 Embarcadero Center	26th Floor	San Francisco		94111	413-986-2600		mdanko@dankolaw.com
and the second		Attn: Michael S. Danko, Kristine K. Meredith, Shawn R. Miller	333 Twin Daiphin Drive	Suite 145	Redwood Shores	5	94065	650-453-3600	650-394-8672	
Counsel 16 Cubank N.A., as Administrative Agent for		Attn: Andrew D. Yaphe	1500 El Comino Real		Menlo Park	5	94025	650-752-2000	650-752-2111	
The Unitive Course secure Course in the Unitive Course for the agent under the Debtor's proposed debtor in pessession financing facilities, Coursel for Clibbank NAS as Administrative Agent for the Utility		Attn: Eli J. Vonnegut, David Schiff,	V. C.		New York	Ž.	10017	212-450 4331	212-701-5331	
Revolving Credit Facility	Davis Polk & Wardwell LLP	Timothy Graulich Attn: Kad Knight	1339 Pearl Street	Suite 201			94558		l	Ograssgreenergmen.com
Creditor and Counsel to Debra Grassgreen	and decrease of the second	Attn: Brvan E. Bates, Esq.	303 Peachtree St., NE, Suite 5300		Atlanta	GA 3	30308	404-527-4073	404-527-4198	98 bryan.bates@dentons.com
Counsel to Bouthwire Company LLC Counsel (GT) spital Power Corporation and Halkirk I	Dentons us the	Atto: John & Mos II	601 S. Figueroa Street	Suite 2500	Los Angeles	5	90017-5704	213-623-9300	213-623-9924	24 John.moe@dentons.com
Wind Proef 1P Counsel for Capital Power Corporation and	Dentons to tity		1221 Avenue of the		New York	NY 3	10020-1089	212-768-5347	1	Lauren,macksoud@dentons.com
Halkirk I Wind Project LP	Dentans US LLP	Attn: Lauren Macksoug	One Market Diaza Spear							mas suppressed leaves on

NAME OF TAXABLE PARTY.	DISCOURSE TO THE PROPERTY OF T		177 Avenue of the							The state of the s
Counsel for apital Power Corporation and	Deptons 15 11 P	Attn: Oscar N. Plnkas	Americas				10020-1089	212-768-6701	0000 0000	oscar, pinkas @dentons.com
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In re: PG&L Corporation, et al Master Service Ust Case No. 19-30088

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